

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JORGE FONSECA and REYES ANDON on behalf
of themselves and others similarly situated,

Plaintiffs,

-against-

DIRCKSEN & TALLEYRAND INC. d/b/a RIVER
CAFE and MICHAEL "BUZZY" O'KEEFE,

Defendants.

Index No. 13-CV-5124 (AT)

DECLARATION OF
CRAIG R. BENSON IN SUPPORT OF
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT

CRAIG R. BENSON, an attorney duly admitted to practice law in the State of New York, hereby affirms upon information and belief under the penalties of perjury that:

1. I am a shareholder with the law firm of Littler Mendelson, P.C. who represents Defendants Dirksen & Talleyrand Inc. d/b/a River Café and Michael "Buzzy" O'Keefe ("Defendants") in this action.

2. I submit this declaration in support of Defendants' motion for partial summary judgment and to place before this Court certain documents in support of Defendants' motion.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiffs' Complaint, filed with this Court on July 23, 2013.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Defendants' Answer to Plaintiffs' Complaint, filed with this court on September 27, 2013.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration of Richard Dean, dated January 6, 2014.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the deposition of Michael O' Keefe.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the Declaration of Scott Stamford, dated January 6, 2014.

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of the deposition of Laurencio Cordova.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the deposition of Geoffrey Schuppert.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the transcript of the deposition of Reyes Andon.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the transcript of the deposition of Stephane Filippi.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the transcript of the deposition of Scott Stamford.

13. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the transcript of the deposition of Jorge Fonseca.

14. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the transcript of the deposition of Brendan McGinn.

15. Attached hereto as **Exhibit 13** is a true and correct copy of documents bates numbered D000001-D000031, which is a produced copy of Reyes Andon's compensation ADP earnings reports.

16. Attached hereto as **Exhibit 14** is a true and correct copy of document bates numbered D000220, which is a produced copy of Laurencio Cordova's personnel file.

17. Attached hereto as **Exhibit 15** is a true and correct copy of document bates numbered D000055, which is a produced copy of Laurencio Cordova's compensation report.

18. Attached hereto as **Exhibit 16** is a true and correct copy of marked Exhibit 1 to the transcript of the deposition of Jorge Fonseca.

19. Attached hereto as **Exhibit 17** is a true and correct copy of Plaintiff's Counter Statement pursuant to Local Civil Rule 56.1 in Opposition to Defendants' Motion for Summary Judgment, dated August 8, 2014, and the exhibits annexed thereto.

Dated: New York, New York
October 1, 2014

Respectfully Submitted,

LITTLER MENDELSON, P.C.

By:

/s/ Craig R. Benson

Craig R. Benson

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Attorneys for Defendants